

Not substituted
9/9/19

CITY OF HOMER
HOMER, ALASKA

Aderhold

ORDINANCE 19-19(S-2)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE TITLE 14.08, "WATER RULES AND REGULATIONS" TO ADD HCC 14.08.015, "WATER SERVICE AREA" AND PERMITTING THE CITY TO PROVIDE WATER SERVICE OUTSIDE THE CITY OF HOMER SO LONG AS THE PROPERTY SERVED IS ADJACENT TO A WATER MAIN INSTALLED TO SERVE CITY PROPERTY AND SUCH SERVICE IS REQUIRED BY LAW OR AUTHORIZED BY ORDINANCE AND REQUIRING A COUNCIL APPROVED AGREEMENT REGULATING USE, OPERATION, INSTALLATION, AND MAINTENANCE OF WATER SERVICE ON THE PROPERTY.

WHEREAS, It is in the interest of the City of Homer ("City") to prioritize providing City-owned utilities to City residents and taxpayers; and

WHEREAS, The City has no authority to regulate the development or zoning of real property outside the City's boundaries; and

WHEREAS, Properties outside City limits do not contribute to the costs of maintaining and providing City-owned public utilities through property tax, public utility assessments or, in the case of businesses, sales tax; and

WHEREAS, For these reasons the water service area of the City should not be expanded outside City limits without careful and deliberate consideration by City Council via ordinance or as otherwise required by law.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends Homer City Code 14.08, "Water Rules and Regulations" by adding a new section HCC 14.08.015 entitled "Water Service Area":

14.08.015 Water Service Area

- a. Except as otherwise required by law, the City may only extend **permit connection to** City-owned water service outside City boundaries when the extension **service** is requested by the governing body of the outside jurisdiction via ordinance and the

42 ~~extension~~ is approved by Council via ordinance and in full compliance with this Section.
43 The ordinance approved by Council must:

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- 45 1. Identify the location of the property or properties to be serviced;
- 46 2. Identify and incorporate by reference any applicable agreements between the
- 47 City and the jurisdiction in which the property is or properties are located;
- 48 3. Identify essential terms and conditions of the agreement that must be included
- 49 in any agreement between the property owner, the City, and/or the jurisdiction
- 50 in which the property is or properties are located;
- 51 4. Specify the cost of ~~extending~~ **providing City** water service to the identified
- 52 property and the required cost allocation method **of any costs and fees**
- 53 **associated with connecting to the water main, including costs associated**
- 54 **with the original main extension**, for the property or properties;
- 55 5. Affirm that the cost allocation method and the amount paid by the property
- 56 owner and/or the jurisdiction where the property is located includes the full
- 57 costs and fees of the extension and does not disadvantage property owners
- 58 within the City; and
- 59 6. Affirm ~~the extension of~~ **connection to** water services under this section is lawful,
- 60 in the City's best interest, and in furtherance of public health and welfare within
- 61 the City.
- 62 7. **Include a resolution from the Homer Planning Commission affirming that,**
- 63 **the proposed connection fully complies with and meets the goals of the City**
- 64 **Comprehensive Plan.**

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66 b. ~~Notwithstanding the other provisions of this Section~~ **Unless otherwise required by**
67 **law and subject to the requirements of this Section**, after [insert effective date of
68 **this ordinance**], **properties outside City boundaries may only access** the City-owned
69 Water System ~~may only be extended to properties outside City boundaries~~ **if the**
70 **property seeking access is** adjacent to a water main that serves property within the
71 City.

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73 ~~c. If an outside jurisdiction agrees to undertake, in whole or part, any financial,~~
74 ~~managerial or operational role in the extension, operation or use of the Water System,~~
75 ~~this agreement must be approved by Council via resolution.~~

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77 d. Before **connection to** City-owned water service may be extended **permitted** outside
78 its City borders under this Section, Council must approve an Extraterritorial Water
79 System Agreement between the City and the owner of extraterritorial property
80 receiving City-owned water service.

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82 e. The essential terms of the Extraterritorial Water System Agreement must:

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1. Identify the location of the property, the intended and existing use of the property, and the reason for requesting the extension of **connection to the** City-owned property **water main** to the property;
2. Specify the amount of the extension, the cost allocation of any costs and fees associated with the extension **connecting to the water main, including costs associated with the original main extension** and the specific terms of any payment method for the property;
3. Incorporate all City laws, policies, and procedures governing the extension **connection**, installation, operation, and maintenance of the City-owned Water System;
4. Incorporate any applicable agreements between the City and the jurisdiction in which the property is located; and
5. ~~Require the property owner to consent to and confirm that the City has full authority to regulate any use of the property that has or may have an impact on the City-owned Water System.~~

- f. **Connection to City** ~~Ww~~water may not be extended outside City limits until the City amends its certificate of public convenience and necessity to include the extended **permitted** service area, if required by state law.
- g. Except as provided in this title or upon approval granted by Council via ordinance and permitted by law, persons **water customers** outside City limits will be treated the same as persons **water customers** inside City limits with regard to permitting fees and water rates.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

Introduction:
Public Hearing:
Second Reading:
Effective Date:

YES:
NO:
ABSTAIN:
ABSENT:

Reviewed and approved as to form:

Katie Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____